

CONTRACT LAW DIVISION

Office of Assistant General Counsel for Finance and Litigation

Biweekly Report—Period Ending October 7, 2000

Aspen Helicopters, Inc. v. United States

CAFC issued summary affirmance of the Board's decision which denied Aspen's claim for a NOAA contract for the lease of aircraft. Appellant has 45 days in which to seek reconsideration. (Terry H. Lee, Amy Freeman-Pierce).

Data Collection System DAPS) II Procurement

NOAA has awarded a contract for an upgraded system to relay data downlinked from GOES satellites to the Wallops Island facility to Integral Systems, Inc. Fred Kopatich is assisting the Contracting Officer during the debriefing process.

Advanced Measurement Laboratory

NIST has made a source selection decision in this high-profile procurement for a state-of-the-art laboratory at its Gaithersburg campus. We are assisting the Contracting Officer in finalizing the contract. *But see below.*

J. A. Jones/Bell, A Joint Venture v. DOC, GAO No. B-286458-1

A protest has been filed against the award made in NIST's Advanced Measurement Laboratory procurement. The protestor asserts that the evaluation of the technical proposals was not in accord with the requirements in the solicitation and was not made on a rational basis. (Fred Kopatich and Amy Crotts)

Copyright Issue

CLD has been advised by OAM of a potential Government copyright violation in connection with an OHRM in-house training program. OAM has asked Ed Weber to evaluate the potential cost of the claim.

The Great Lakes Towing Company, B-286410-1:

The Great Lakes Towing Co. has filed a protest at GAO challenging the award of a ship repair contract by NOAA/CASC to a Canadian company. The protestor contends that the award to a foreign company under a small business set-aside procurement is improper. The agency is investigating the allegation. (Amy Pierce)

GFDL Supercomputer

Award of this contract for supercomputing hardware, software and services for up to 6 years and \$67 million

principally supporting NOAA's climate and global change and hurricane model research has been made to Raytheon, Inc., supplying Silicon Graphics computing platforms. We have notified the remaining offeror of the award. (Mark Langstein)

Claim of Omniplex World Services Corp.

This is a certified claim for reformation and for an equitable adjustment in the amount of \$613,500 based upon an alleged mistake in bid. The contract for guard services at the HCHB building was awarded on October 1, 1995, for a term of one year with four one-year options. In June 1998, the contractor submitted its first request for additional costs, alleging a mistake in bid. In April 1999, after requesting supporting documentation, the CO denied the contractor's request on the basis that it failed to provide clear and convincing evidence of a mistake and that the CO knew or should have known that a mistake had been made. In March 2000, the contractor wrote to the Secretary. The HCO responded on behalf of the Secretary. (Terry Lee)

CLD "Time to Complete"—0.8 Days

Actions by Contract Law Division during Period from 09/23/2000 10/07/2000

Bureau	Received	Completed
BXA	2	2
CENSUS	6	6
ITA	1	2
NIST	10	10
NOAA	24	24
O/S	1	1
PTO	2	2
Totals	45	46

Contract Law Division—Client Workload
Period Ending 10/07/2000

